

SCR 0395P

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DEC 04 1992 Terminal Disclaimer
GROUP 1800 PATENT
00112/17/92
#M 12-29-92

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cochrane, et al.)
Serial No. : 07/715,397) Group Art Unit 1811
Filed : 6/14/91)
For : PULMONARY SURFACTANT) Examiner: Lester Lee
PROTEIN AND)
RELATED POLYPEPTIDE)

TERMINAL DISCLAIMER PURSUANT TO
37 CFR § 1.321(b)

Hon. Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Petitioner, The Scripps Research Institute, residing at 10666 North Torrey Pines Road, La Jolla, CA 92037, in the county of San Diego and State of California, represents that it is the assignee of the entire right, title and interest in and to the above-identified application as set forth in an assignment signed on November 30, 1992 and submitted for recordation on even date herewith. A copy of that Assignment is submitted herewith.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Pat. No. 5,164,369, issued November 17, 1992, based on U.S. Patent Application Serial No. 07/293,201, filed January 4, 1989, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period

Serial No. : 07/715,397

that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,164,369, filed January 4, 1989, and issued on November 17, 1992. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Pat. No. 5,164,369, as presently shortened by any terminal disclaimer in the event that one or more later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable; (3) is found invalid; (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a); (4) has all claims cancelled by a reexamination certificate; or (5) is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned represents that he is a representative duly authorized to sign on behalf of the Petitioner.

Respectfully submitted,

THE SCRIPPS RESEARCH INSTITUTE

Dated: 12/3/92

By:


Douglas A. Bingham, Esq.
Assistant Secretary

Office of Patent Counsel
10666 N. Torrey Pines Road, TPC-8
La Jolla, CA 92037
ACL\c:\WP\OA\SCR-0395.TD

ASSIGNMENT

SCRIPPS CLINIC AND RESEARCH FOUNDATION, a California corporation having principal offices at 10666 North Torrey Pines Road, La Jolla, California 92037, for one dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby assigns and transfers onto THE SCRIPPS RESEARCH INSTITUTE, a California corporation having its principal offices at 10666 North Torrey Pines Road, La Jolla, California 92037, its successors and assigns, the entire right, title and interest in and to the patents and patent applications identified in Schedule A annexed hereto, the inventions described therein, and any and all patents, reissues, continuations and extensions of the foregoing through the world, the same to be held and enjoyed by THE SCRIPPS RESEARCH INSTITUTE, to the full end of the term for which a Letters Patent based on any of said Applications is granted, as fully and entirely as the same could have been held and enjoyed by SCRIPPS CLINIC AND RESEARCH FOUNDATION if this assignment and transfer had not been made.

Signed at La Jolla, California this 30th day of November 1992.

SCRIPPS CLINIC AND RESEARCH FOUNDATION

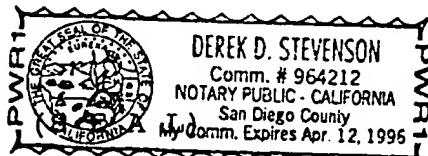
(S E A L)

By:

Marc A. Reynolds
Marc Reynolds
Chief Financial Officer

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this 30th day of November 1992, before me,
Derek D. Stevenson, the undersigned Notary Public, personally appeared Marc Reynolds, personally known to me to be the person who executed the within instrument as Chief Financial Officer on behalf of the corporation therein named, and acknowledged to me that the corporation executed it.



Derek D. Stevenson
Notary's Signature

SCHEDULE A

United States Patent Applications filed by
Scripps Clinic and Research Foundation

<u>Date Filed</u>	<u>Serial Number</u>	<u>Status</u>
01/06/88	06/141,200	Abandoned
01/04/89	07/293,201	Issued (Patent No. 5,164,369)
06/14/91	07/715,397	Pending

RECORDATION FORM COVER SHEET
PATENTS ONLY

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

SCRIPPS CLINIC & RESEARCH FOUNDATION

2. Name and address of receiving party(ies):

Name: THE SCRIPPS RESEARCH INSTITUTEInternal Address: 10666 N. Torrey Pines Rd.TPC-8, La Jolla, CA 92037Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger

Security Agreement Change of Name

Other _____

Execution Date: Nov. 30, 1992Street Address: 10666 N. Torrey Pines Rd.TPC-8City: La Jolla State: CA ZIP: 92037Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

07/715,397 (filed 6/14/91)07/293,201 (filed 1/4/89)06/141,200 (filed 1/6/88) Additional numbers attached? Yes No

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: April C. LoganInternal Address: Office of Patent Counsel10666 N. Torrey Pines Rd., TPC-8,La Jolla, CA 92037Street Address: 10666 N. Torrey Pines Rd.TPC-8City: La Jolla State: CA ZIP: 920376. Total number of applications and patents involved: 37. Total fee (37 CFR 3.41): \$ 40.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

19-0962

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

April C. Logan

Name of Person Signing

April C. Logan

Signature

12/3/92

Date

Total number of pages comprising cover sheet: 1